

REMARKS

In the above-mentioned Final Rejection, claims 11 – 17, 19 – 31, and 35 – 44 were rejected as anticipated by *Cancio* (4,380,564 or 4,465,729), claims 11 – 44 were rejected as being unpatentable over *Cancio* in view of *Kishimoto* (5,560,966), and claims 45 – 77 were withdrawn. In response thereto claims 11 – 77 have been cancelled and new claims 78 – 142 have been added. The new claims include five independent claims, namely claims 78, 94, 110, 126 and 142.

Referring to the last paragraphs of each of the new independent claims, the new claims, generally speaking, include a plurality of cut lines along which the sheet can be bent upwardly and/or downwardly and thereby split along the cut lines to separate out the sheet portions. Bending and splitting along the cut lines easily and consistently forms smooth edges for the sheet portions.

More particularly, the layers and cut lines of the claimed sheet structure are physically constructed so that the sheet can be bent at least one of upwardly or downwardly (not torn) and thereby split (not torn) along or at least some of the cut lines to (cleanly and easily) separate the sheet portions from the sheet. These are structural limitations. The law is clear – all limitations must be considered by the examiner, and it is improper for the examiner to ignore specific limitations (such as these structural limitations) that distinguish over the cited references. See, e.g. In re Boe and Duke, 184 USPQ 40 (CCPA 1974) The claims as now pending are thereby not taught by the prior art, Applicants respectfully submit.

The two *Cancio* patents applied by the Examiner in his prior action disclose a sheet that is tearable along tear lines. That is, in the *Cancio* patents, tearing is the mechanism of separation as opposed to bending and splitting which is the case of the present application. Tearing involves a (preformed) line in a plane that separates the plane into two sections. To rupture along the line, the two sections must move perpendicular to the plane. In the case of tearing, the motion of the two sides is opposite, that is, one section moves upward perpendicular to the plane, while the other side moves downward perpendicular to the plane, causing separation to occur at one point on the line and traveling to the end. In the case of bending and splitting as in the present application, the motion of the two sections is in the same direction and angular. That is, the two sections are folded toward one another in a way as to form a dihedral angle between the sections. This causes the separation to occur nearly simultaneously along the entire line.

SERIAL NO.: 09/801,187

PATENT

Old Docket No.: 310048-740

New Docket No. 11286-01155

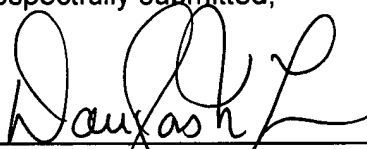
Avery Ref.: 3385-US

If the examiner contends in his next action that *Cancio* explicitly discloses the bent-split structure as claimed herein, he is requested to identify the column numbers and line numbers in the *Cancio* patents where this structure is disclosed; and alternatively if he contends that the bent-split structure is inherently taught in *Cancio*, he is requested to provide an affidavit to that effect with his next action. See MPEP 2144.03 and 37 CFR 1.104(d)(2).

It is thus respectfully submitted that the subject application is in condition for allowance. If there are any remaining issues, the Examiner is encouraged to telephone the below-signed counsel at (213) 689-5142 to seek to resolve them.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefor.

Respectfully submitted,



Douglas N. Larson
Registration No. 29,401

Dated: June 27, 2003

SQUIRE, SANDERS & DEMPSEY L.L.P.
801 South Figueroa Street, 14th Floor
Los Angeles, California 90017-5554
Telephone: (213) 624-2500
Facsimile : (213) 623-4581

LosAngeles/116723.1